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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/33 042	12/16/64	JONES	C X-55266

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EXAMINER	
SCHWARTZER	
ART UNIT	PAPER NUMBER
121	3

DATE MAILED: 1/4/82

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined. Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire THREE month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892 2. Notice of Informal Patent Drawing, PTO-948
 Notice of References Cited by Applicant, PTO-1449 4. Notice of Informal Patent Application, Form PTO-152

Part II SUMMARY OF ACTION

5.

1. Claims 1-62 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-8, 11, 12, 14, 17-62 are rejected.

5. Claims 9, 10, 13, 15, 16 are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. The formal drawings filed on _____ are acceptable.

8. The drawing correction request filed on _____ has been approved. disapproved.

9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
 been received. not been received. been filed in parent application, serial no. _____

filed on _____

10. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

11. Other

Art Unit 121

Claims 1-8, 11, 12, 14 and 17-62 are rejected under 35 U.S.C. 103 as being unpatentable over Jones et al, reference AB (Jones). Although, the invention is not identically disclosed or described as set forth in section 102 of Title 35 U.S.C., the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Jones generically discloses applicant's invention at column 2 and specifically discloses the pyrrolidino analog at column 39. Applicant alludes to biological testing of the instant compounds in his disclosure statement. The testing disclosed in the specification does not appear to involve a direct side-by-side comparison with the Jones pyrrolidino compound. Such a comparison is necessary to rebut the strong presumption of obviousness which the reference establishes.

Claims 48-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his or her invention.

Serial No. 331042

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Art Unit 121

The claims are improper composition claims, since they do not recite either an intended use in the preamble or a carrier or diluent.

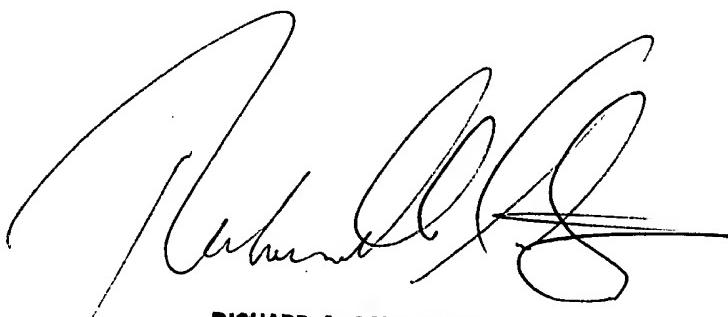
Claims 9, 10, 13, 15 and 16 contain allowable subject matter but are objected to as depending from a rejected base claim. If rewritten in independent form including all of the limitations of the base claim(s) from which they depend, they would be considered allowable.

Schwartz:ajr

A/C 703

557-2517

7-2-82



RICHARD A. SCHWARTZ
PRIMARY EXAMINER
ART UNIT 121